

29th Sept 1992

The Secretary
GMB
Glasgow

CC STUC, TUC, GMB HQ London

Dear Sir,

We were appalled at the treatment meted out to your member Pat McCrystal and write to register our protest in the hope that nothing like it will happen again. This is in reference to the way his case was handled by the GMB's appointed lawyer and by the acting counsel. We draw attention to the article published by Glasgow's The Herald (29.9.92) where the writer gave his own account of the way things went and did not speak for Clydeside Action on Asbestos.

There were things not said in his article and it is to those we now draw your attention. Mr McCrystal as you may know has a great record of service with the GMB and has been an active fully-paid member since 1940. He has been paying his weekly dues to the GMB for more than 50 years. He was also a shop steward for a long time.

A chest specialist said he had four months to live more than two months ago. The claim was started back in February so the lawyer had seven months to prepare the case. But most of the work started to happen days before the court. Two days before the case was due to be heard he had to go to Edinburgh to meet the lawyer and QC. He flew up from London, a taxi from the airport to his home then straight from there by car to Edinburgh where the meeting went on for nearly 2 hours.

By the time he got back to Glasgow he had been on the road for 12 hours without any nursing attention. The QC said under no circumstances would he allow even one of Pat McCrystal's friends to be in the company. This is a man who, from the medical prognosis, had about six weeks left. The treatment he was given by the GMB-appointed lawyer and QC entitles us to ask if those responsible for the appointment have any idea of the kind of physical stress and psychological torture that Pat McCrystal - or any other terminally-ill asbestos victim - is being forced to endure?

The members of Clydeside Action on Asbestos do have some idea. 95% of us are also asbestos victims. At least three of our members die on average every single

month of the year. We remind you that these diseases are industrial. Every one of us is either a current or past trades union member. Many of us have held office. Like Pat McCrystal we caught the disease through no fault of our own but by the wilful negligence of our employers.

From the very start of his claim, Pat McCrystal was fighting on behalf of all asbestos victims, not just himself. He wasn't in it for the money. He wanted to help bring the culprits to trial for the contamination they let loose on tens of thousands of Clydeside workers. He wanted in some way to help stop this contamination which is still happening and will not stop happening until the trades union movement gets behind its members and gives its utmost support to the struggle. The first step in the process was to take the case into court and achieve a ruling from the judge. That was crucial.

Pat McCrystal was responsible for the training of thousands of apprentices on the Clyde and set up schemes to promote their welfare. He is now forced to live the last days of his life with the knowledge that very many of these former apprentices he helped set on the road are now dying of asbestos industrial disease. We remind you of the long latency period of these insidious diseases, so there are many many more deaths still to come. And until something happens many irresponsible employers will continue ignoring the health and safety regulations, and be allowed to escape scot free. There is also another problem here; if no cases get into court how can we rely on the expertise of the legal representation if none of them has ever experienced fighting an actual asbestos case in court? They refer to precedents in England, which is all very well, but seem not to look at where the real fights have been taking place in Australia and the United States of America. How can we have confidence in them?

We are protesting that the legal representation appointed by the GMB did everything in their power to keep the case out of court. Why? The fact is that 2 minutes before your member Pat McCrystal was due to appear in court, the QC appointed by your lawyer threatened to abandon him if he didn't "take the money". Instead of supporting the man the GMB's lawyer gave him the "blackmail news" that she herself might have to abandon him because the GMB would maybe withdraw funding. Pat McCrystal asked if he could fight on alone; he was then told that he could if he could afford it but even then it was very possible no other QC would represent him.

The solicitor told Pat McCrystal in our presence that the GMB got 10%

percentage of whatever figure was given to him. She said that if the "out of court settlement" was going to be higher the GMB might have to withdraw its funding if Pat McCrystal insisted on going into court. When we asked her if this was definite she told us she was going to phone a GMB official to find out the position. We are entitled to ask 1) did she phone from the Court of Session and speak to a GMB official on the Thursday morning before Pat McCrystal was forced to change his mind and take the "out of court settlement"? If so what was the outcome?

This implied threat of abandonment was the predicament we say that Pat McCrystal was left in when he was finally forced to call a halt and "take the money". It is a sad day for the trades union movement if a member of 50 years standing who dying from an industrial disease, is given to understand that he cannot rely on the support of his union.

The GMB knows the sort of work done by Clydeside Action on Asbestos and knows that we are committed at the very roots of the trades union movement. Like Pat McCrystal it is this very fact that gives rise to the bitterness we now feel. We feel that he was betrayed. We feel that on behalf of all victims of asbestos industrial disease we are entitled to an explanation of the GMB's position. We ask that you advise us of your position in relation to future actions raised by GMB members, and if there is any policy now being planned that will stop this from ever happening again. The kind of thing that happened to Pat McCrystal can be used against the trades union movement by those who have it in their interest. We are committed to seeing that this is not allowed to happen. Please accept this protest from us in the spirit of solidarity.

Yours sincerely,